

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY KUWAIT PRIORITY

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E.O. 11652: N/A

TAGS: ENRG, KU

SUBJECT: AMINOIL ARBITRATION

REF: KUWAIT 1840

1. APPRECIATE REFTEL, OF WHICH AMINOIL COUNSEL HAVE BEEN INFORMED.
2. AMINOIL IS ACTIVELY CONSIDERING THE PROPOSALS OF GOK TO NEGOTIATE WITH IT A REASONABLE METHOD OF ARBITRATION ACCEPTABLE TO BOTH SIDES.
3. BEFORE AMINOIL WAS INFORMED BY THE USG OF THE GOK'S WILLINGNESS TO NEGOTIATE FRESH ARBITRAL ARRANGEMENTS, IT HAD ALREADY PROCEEDED WITH THE APPOINTMENT OF SIR GERALD FITZMAURICE AS SOLE ARBITRATOR. A LETTER INFORMING THE GOK OF ITS HAVING DONE SO ALREADY HAS BEEN SENT BY AMINOIL TO THE EMBASSIES OF THE GOK IN LONDON AND WASHINGTON, AND LIMITED OFFICIAL USE

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SENT TO AMEMBASSY KUWAIT FOR TRANSMISSION TO GOK.

4. IN CIRCUMSTANCE OF THE SOLE ARBITRATOR HAVING BEEN APPOINTED BEFORE AMINOIL WAS INFORMED OF GOK'S APPROACH, THAT STEP NATURALLY CANNOT, AS RECOMMENDED PARA. 8 REFTEL, BE DELAYED; AND, SINCE GOK EMBASSIES HAVE ALREADY BEEN SO

INFORMED, WE RECOMMEND YOU TRANSMIT AMINOIL'S NOTIFICATION OF SOLE ARBITRATOR'S APPOINTMENT TO GOK, STATING, HOWEVER, THAT:

(A) THAT APPOINTMENT AND THE LETTER EVIDENCING IT WERE COMPLETED BEFORE AMINOIL WAS INFORMED OF GOK PROPOSALS FOR NEGOTIATING WITH IT A REASONABLE METHOD OF ARBITRATION ACCEPTABLE TO BOTH SIDES;

(B) AMINOIL IS ACTIVELY CONSIDERING THESE GOK PROPOSALS, AND -

(C) USG IS MOST APPRECIATIVE OF THESE GOK PROPOSALS AND HOPEFUL THAT THEY WILL LEAD TO EARLY AGREEMENT BETWEEN THE GOK AND AMINOIL ON ARBITRAL PROCEDURES WHICH WILL AMICABLY SETTLE THEIR DIFFERENCES. COOPER

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